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#3IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Horton, et al. )  
 ) Art Unit: TBD  
 Batch No.: )  
 ) Examiner: TBD  
 Application No.: 09/758,832 )  
 )  
 Filed: January 11, 2001 )  
 )  
 For: Insitu Formable and Self-Forming )  
 Intravascular Flow Modifier (IFM), )  
 Catheter and IFM Assembly, and Method )  
 for Deployment of Same )  
 \_\_\_\_\_ )

Transmittal Of Response to Notice to File Corrected Application Papers

Commissioner for Patents  
 Washington, D.C. 20231

Dear Sir:

Enclosed, in response to the Notice to File Corrected Application Papers mailed February 16, 2001, please find the following:

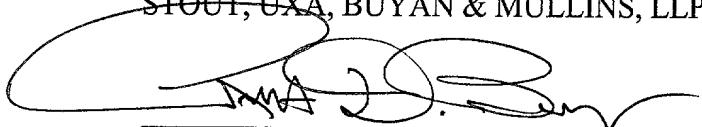
1. Notice to File Corrected Application Papers and Preliminary Amendment;
2. Check No. 2339 in the amount of \$695.00 for the required extension of time under 37 CFR 1.136(a), such extension being hereby petitioned for; and,
3. Letter to Official Draftsman and seven (7) sheets of formal drawings.

The Commissioner is hereby authorized to charge any underpayment and credit any overpayment of the filing fees required under 37 CFR § 1.16 and any patent application processing fees required under 37 § CFR 1.17 to Deposit Account No. 50-0878.

Date: August 16, 2001

4 Venture, Suite 300  
 Irvine, CA 92618  
 Telephone: (949) 450-1750  
 Facsimile: (949) 450-1764

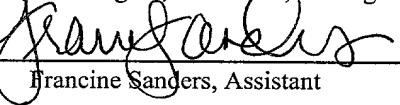
Respectfully submitted,  
 STOUT, UXA, BUYAN & MULLINS, LLP

  
 Robert D. Buyan, Reg. No.: 32,460

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on August 16, 2001.

Dated: August 16, 2001

By:   
 Francine Sanders, Assistant

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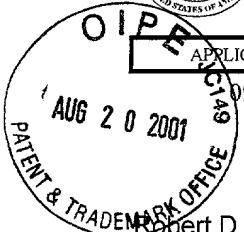


## UNITED STATES PATENT AND TRADEMARK OFFICE

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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/758,832	01/11/2001	Joseph A. Horton	MCRVT-023C



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**CONFIRMATION NO. 8538**  
**FORMALITIES LETTER**



\*OC00000005772197\*

Date Mailed: 02/16/2001

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

### *Filing Date Granted*

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - are not on the correct size paper (see 37 CFR 1.84(f)) The size of the sheets on which drawings are made must be either 21.0 cm. by 29.7 cm. (DIN size A4) or 21.6 cm. by 27.9 cm (8 ½ by 11 inches);

The following item(s) appear to have been omitted from the application:

- Figure(s) 5&7 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit must be filed within TWO MONTHS of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date must be filed within TWO MONTHS of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within TWO MONTHS of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the

application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE